

Section 14(1) of *The Environment Act* requires the proponent to notify the Director (for Class 1 and 2 developments) or the Minister (for Class 3 developments) if the proponent intends to alter the proposal or the licensed development so that it no longer conforms to licence conditions or has the potential to change the environmental effects.

This information bulletin describes the type of information required to ensure that a Notice of Alteration (NoA) submission is complete and describes when a fee is required.

Notice of Alteration Submission Requirements:

1. Completed NoA form (http://www.gov.mb.ca/conservation/eal/publs/noa_form.pdf)
2. Cover letter – this document must be addressed to the Director on company letterhead, signed and dated.
3. NoA report – this report should include a detailed description of the proposed change(s) to the development as licensed. It should clearly describe all potential environmental effects and human health effects that could result from the proposed change(s) and potential mitigation measures which could be implemented.
4. NoA fee (if applicable)

Notice of Alteration Detailed Report Requirements

The key information needed by the Director or Minister in assessing a NoA is the significance of the environmental effects and human health effects resulting from the alteration. Where possible, it is helpful to describe the effects resulting from the alteration in the context of the effects of the existing development (i.e. the incremental effects of the alteration). The environmental effects considered should include effects on the terrestrial, aquatic and atmospheric environments.

The information provided must be sufficiently detailed to allow the Director or Minister to determine whether the effects of the alteration are significant, insignificant, or non-existent.

The inclusion of maps, schematics and/or process flow diagrams may be helpful to describe the proposed changes to the development.

Notice of Alteration Fee Requirements

As of January 10, 2014, fees apply to notices of alteration as described in Manitoba Regulation 168/96.

(http://web2.gov.mb.ca/laws/regs/current/_pdf-regs.php?reg=168/96)

When Fees Apply:

Fees for NoAs apply for alterations to expand or change licensed developments in such a manner that the resulting environmental effects may be significant. The fees also apply to licensee-requested name changes that are not required for legal reasons.

1. **Major alteration:** when the proposed alteration involves potentially significant environmental effects, the alteration will be addressed pursuant to Section 14(3) of *The Environment Act*. In this situation, the applicable fee for the NoA shall be as required for a Class 1, 2 or 3 Environment Act Proposal, as appropriate. Fees are listed on the Environment Act Proposal Form (http://www.gov.mb.ca/conservation/eal/publs/eap_form.pdf).

Examples:

- construction of additional wastewater treatment lagoon cells to increase organic or hydraulic capacity
 - addition of anhydrous ammonia facilities to an existing granular fertilizer handling operation
 - increase in irrigated land base and water diversion for an irrigation project
 - addition of a 115 kV transmission line to an existing corridor
 - construction of a processing plant at a new location
2. **Environmental effects altered:** where the alteration changes the configuration, operation and potential environmental effects of a licensed development, but the environmental effects of the alteration are determined not to be significant. The application fee is \$500, payable to the Minister of Finance.

Examples:

- installation of larger equipment to increase capacity
 - increase in operation (time, duration, lengthened shift, etc.)
 - conducting work outside of the previously defined project area
 - change to configuration of wastewater treatment lagoon cells without expansion
3. **Licencee name changes with new licence:** where the licensee requests a licence update so that the licence is issued with the licensee's new name. Note: Pursuant to Section 15(4) of *The Environment Act*, an order, licence or permit issued under *The Environment Act* is binding on a person (or corporation) who purchases or otherwise acquires control over the licensed development. The application fee is \$500, payable to the Minister of Finance.

When Fees Do Not Apply:

Fees do not apply for alterations involving repairs, reductions in emissions including greenhouse gas emissions, improvements in production efficiency that do not involve significant environmental effects, and changes initiated by Sustainable Development.

1. **Alteration initiated by Environmental Approvals Branch:** where the Branch initiates the alteration to modernize an existing licence, and has requested that the Licencee confirm that the configuration, operation or environmental effects of the Development has not changed.

2. **Alteration to equipment or works that do not change the environmental effects:** where the Licencee provides notification of changes that do not alter environmental effects.

Examples:

- replacement of existing pumps, control mechanisms, pipelines or storage tanks (without expansion)
 - placement of riprap on lagoon dykes
 - additions or changes in land parcels on irrigation projects with no other changes
 - replacement of conductors on transmission lines
3. **Licencee name changes with no new licence:** where a licencee provides notice of a change in ownership of a licensed development, but does not request the re-issuance of the licence with the new name.
 4. **Environment Act Proposals in process – no licence issued:** Section 14(1) of *The Environment Act* also requires notification for similar types of alterations for proposals which have not yet received Environment Act licences. During the environmental assessment process, it is common for proponents to alter their proposals in response to questions and suggestions made by public and technical reviewers. The purpose of these alterations is generally to reduce identified project effects, resulting in a better project. Fees for NoAs do not apply to alterations proposed prior to the issuance of an Environment Act licence.